

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CAREFREE PARK CORPORATION,)
AMIN NABHAN and JAMILE NABHAN,)
Plaintiffs,)
v.)
ADIB NABHAN,)
Defendant.)

CIVIL ACTION NO: 2003-CV-12426 RCL

JOINT MOTION TO CONTINUE PRETRIAL CONFERENCE

The parties in the above-referenced matter respectfully move this Court for an order continuing the Pretrial Conference, currently scheduled for November 17, 2005, and in support thereof, state as follows:

This action involves a dispute among family members regarding several business entities located in Florida (where defendant Adib Nabhan resides) and in Massachusetts (where defendants Amin Nabhan and Jamile Nabhan reside) in which the individual defendants have ownership interests.

Plaintiffs, Carefree Park Corporation, Amin Nabhan and Jamile Nabhan, allege that defendant Adib Nabhan (Amin's and Jamile's brother) usurped a corporate opportunity and misappropriated assets of Carefree Park Corporation by incorporating Fun Depot, Inc, which is incorporated and located in Florida. Plaintiffs claim that, without their knowledge, defendant organized Fun Depot, Inc. with himself as the sole shareholder. Plaintiffs seek to force defendant to return to them the income they claim should have been shared with them.

Defendant denies that he usurped an opportunity of Carefree Park Corporation and asserts that the parties always understood that Fun Depot, Inc. would be the business vehicle for defendant to support his family and that the Massachusetts assets and businesses would be

available to support the other family members who wanted or required such support. Defendant has asserted counterclaims against plaintiffs related primarily to the operation of property and businesses in Massachusetts in which defendant has a beneficial interest. Defendant alleges that plaintiffs, primarily through defendant Amin Nabhan, have operated the Massachusetts properties for their sole benefit, excluding defendant. Plaintiffs deny the allegations of the counterclaim.

The parties have exchanged documents regarding the various business entities in which the parties have varying ownership interests, including:

1. Carefree Park Corp.;
2. Fun Depot, Inc.;
3. Adele Realty Trust;
4. Habib Nabhan Nominee Trust;
5. Adele Nabhan Nominee Trust; and
6. Carousel Lounge, Inc.

The parties have also engaged in third-party discovery, obtaining by subpoena records from the accountants of some of the entities set forth above. The documents heretofore exchanged include financial statements, tax returns, check registers and bank statements which were generated before fiscal year end 2003.

The parties seek additional time to obtain and complete the exchange of documents relevant to the current financial status and value of the entities noted above, as well as documents regarding the financial status of the individual defendants. Such documents include financial statements, tax returns, check registers and bank statements which have been generated since fiscal year end 2003.

The parties believe that continuing the pretrial conference with permit them to complete the exchange of documents, allow them to provide a more practical and complete pretrial memorandum, facilitate the determination of which exhibits will be introduced with or without objection and put them in a better position to determine whether continuing settlement discussions will be productive and, if not, narrow the issues to be tried.

Wherefore, the parties jointly request that the pretrial conference be rescheduled from November 17, 2005 to a time which is convenient to the Court and the parties.

Respectfully submitted,

The Plaintiffs,
CAREFREE PARK CORPORATION
AMIN NABHAN and JAMILE NABHAN,
By their attorneys,

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